

## EXHIBIT 2

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

NEW YORK STATE FIREARMS ASSOCIATION,  
et al.,

*Plaintiffs,*  
v. Civil Action No. 23-CV-6524-FPG

DOMINICK L. CHIUMENTO, in his official capacity as  
Acting Superintendent of the New York State Police,

*Defendant.*

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**DECLARATION OF FRANCIS JOHN RICE IN SUPPORT OF PLAINTIFF'S REPLY  
IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

STATE OF NEW YORK )  
                        )  
                        ) ss:s  
COUNTY OF RENSSLAER )

Franics Rice, having been duly sworn, hereby states under the pains and penalties of perjury:

1. I am over 21 years of age and I make the following statements to my personal knowledge. If called upon to testify would competently testify as to the matters stated herein.
2. I am a 20-year resident of Castleton on Hudson, New York.
3. I am a member of the New York State Firearms Association ("NYSFA"). I am not suing Superintendent Chiumento in my own capacity but know the NYSFA is fighting for my Second Amendment rights against New York's ammunition background checks.
4. I am a law-abiding gun owner and not subject to any possession restrictions under New York or federal law. I passed a background check to purchase a G-Force GF3 firearm. This gun is a shotgun and uses 12-gauge ammunition.

5. On or about October 14, 2023, I went to Wal-Mart in East Greenbush, New York to purchase 12 gauge ammunition.

6. I was informed that the background check system was offline, and I was unable to complete the purchase. I was not offered any avenue by which to purchase ammunition other than to try again some other time. I was unequivocally deprived of my Second Amendment rights through the failure of the background check system.

7. Ammunition background checks are pointless, time-consuming exercises against law-abiding gun owners like myself. Every minute I've spent and will spend enduring a background check for ammunition purchases a violation of my Second Amendment rights.

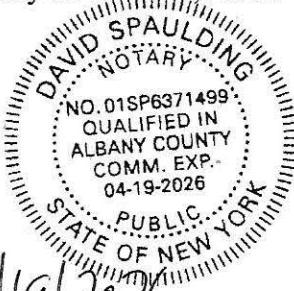


Name

Signed and sworn before me this 26 day of October, 2023.



NOTARY PUBLIC



MY COMMISSION EXPIRES:

